

Appeal No. 21-55852

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

LITTLE ORBIT, LLC
Plaintiff – Appellant,

vs.

DESCENDENT STUDIOS INC. and ERIC PETERSON,
Defendants – Appellees

On Appeal from the United States District Court for the Central District of
California
Civil Action No. 8:20-cv-00089-DOC-JDE, Hon. David O. Carter, Judge

**APPELLANT’S MOTION FOR PERMISSION TO FILE OVERSIZE
REPLY IN SUPPORT OF EMERGENCY MOTION FOR STAY
AND SUPPORTING DECLARATION**

M. DANTON RICHARDSON (State Bar No. 141709)
mdantonrichardson@yahoo.com
LAW OFFICES OF M. DANTON RICHARDSON
131 N. El Molino Ave., Suite 310
Pasadena, CA 91101
Telephone: (949) 677-6434

Attorneys for Plaintiff/Appellant, LITTLE ORBIT LLC

**MOTION FOR PERMISSION TO FILE AN OVERSIZED
REPLY IN SUPPORT OF EMERGENCY MOTION**

Appellant LITTLE ORBIT LLC respectfully requests permission to file an oversized Reply in Support of its Emergency Motion for Stay. Counsel for Appellant has diligently attempted to bring the Reply within the word limit of 2,600 words, but has not been able to adequately or appropriately address the numerous issues and arguments raised by Defendants' Oppositions – which contains over 7,600 words - required for the proper presentation of Appellant's Reply in Support its Emergency Motion within the allowed word limit. Opposing Counsel has advised Defendants oppose this request, notwithstanding the length of their brief which is over 7,600 words, or the fact Plaintiff did not oppose Defendants' Motion to file and oversized opposition provided Plaintiff's Motion to File and Oversized Motion was granted (which Defendants' apparently did not mention to the Court). Declaration of M. Danton Richardson, ¶ 4.

The current word count of the Appellant's Reply in Support of its Emergency Motion is more than the allowed limit. Appellant has worked diligently to reduce the size. Anything less than 6,439 words would severely limit Appellant's ability to adequately address the matters in dispute. Appellant therefore requests permission to file a Reply in Support of its Emergency Motion of no more than 6,439 words.

There are numerous complex issues and arguments that must be addressed in the Reply in Support of the Emergency Motion given one prong of the relief sought requires Appellant to show that it is likely to prevail on the merits and Defendants' have raised numerous issues and arguments in that regard.

Appellant would be prejudiced if they are restricted to the 2,600 word limit for the Emergency Motion, because Appellant will not be able to properly and adequately address the errors by the District Court based on the numerous legal and factual issues raised.

Appellant, therefore, respectfully requests permission to file a Reply in Support of its Emergency Motion containing 6,439 words.

DATED: September 10, 2021 **LAW OFFICES OF M. DANTON
RICHARDSON**

By: /s/ M. Danton Richardson
M Danton Richardson

Attorney for Plaintiff/Appellant,
LITTLE ORBIT LLC

DECLARATION OF M. DANTON RICHARDSON

I, M. Danton Richardson, declare:

1. I am an attorney at law duly licensed to practice before this Court. I am counsel of record for Appellant LITTLE ORBIT, LLC. I make this Declaration in support of Appellants' Motion for Permission to File an Oversize Reply in Support of its Emergency Motion For Stay. I have personal knowledge of the information set forth in this Declaration and if called as a witness, I could and would competently testify thereto.

2. The current word count of the Appellant's Reply in Support of its Emergency Motion For Stay is more than the allowed word limit. Appellant worked diligently to reduce the size but was unable to cut down the brief to 5,200 words. Anything less than the current number of words would severely limit the Appellants ability to adequately address the matters in dispute. Appellants therefore request permission to file an Emergency Motion of no more than 6,439 words.

3. Appellant cannot adequately address the various issues regarding the District Court's errors based on the legal and factual arguments raised in Defendants' Opposition and the merits of this appeal within the 2,600 word limit for replies.

4. I met and conferred with opposing counsel, Michael Whitticar, via email on September 10, 2021, and advised of Appellant's plan to request permission to file an oversized Reply in Support of Plaintiff's Emergency Motion. Mr. Whitticar advised that Defendants oppose this request.

5. The current word count of Appellant's Reply in Support of its Emergency Motion is 6,439. Appellant has worked diligently to reduce the size

was unable to do so without severely limiting the Appellants ability to adequately address the necessary matters. Appellant will be prejudiced if not allowed to exceed the word limit, because it will be unable to adequately and properly present its Reply in Support of the Emergency Motion. Therefore, Appellant asks the Court to allow it to file a reply brief of no more than 6,439 words.

I declare under penalty of perjury under the laws of the United States of America that the forgoing is true and correct.

Dated: September 10, 2021

/s/ M. Danton Richardson
M. Danton Richardson, Declarant

CERTIFICATE OF SERVICE

I hereby certify that on September 10, 2021, I electronically filed the foregoing document with the Clerk of the United States Court of Appeals for the Ninth Circuit by using the CM/ECF system. Counsel in this case are registered CM/ECF users and service will be accomplished by the CM/ECF system.

/s/ M. Danton Richardson

M. Danton Richardson
Attorney for Plaintiff/Appellant
Little Orbit LLC